

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

B.L Gustafson, LLC dba Gus's Guns, dba Priority  
Care Ambulance, dba Brian Gustafson Rentals, dba  
B.L. Gustafson Excavation, dba Brynwood Farm

Debtor

Kubota Credit Corporation

Movant

v.

B.L Gustafson, LLC dba Gus's Guns, dba Priority  
Care Ambulance, dba Brian Gustafson Rentals, dba  
B.L. Gustafson Excavation, dba Brynwood Farm

Respondent

NO. 17-10514 -TPA

CHAPTER 11

Related to Doc. 150, 158 , 170

**STIPULATION AND ORDER**

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, Movant maintains a claim secured by a KUBOTA 4WD HST Tractor, Model L5740HST-3, Serial Number 73309; KUBOTA Front LDR, Model LA854, Serial Number B6708; LAND PRIDE Rotary Cutter, Model RCR1872, Serial Number 714577 ("Equipment") pursuant to a Retail Installment Contract Commercial and Agricultural Use Only ("Agreement") by and between Movant and Debtor;

WHEREAS, Movant's holds a perfected first lien security interest in the Equipment pursuant to a UCC Financing Statement filed October 1, 2013;

WHEREAS, the Agreement requires monthly payments in the amount of \$695.30;

WHEREAS, Debtor's payments to Movant are delinquent, Debtor having failed to make monthly post-petition contractual payments in the amount of \$695.30 for the months of May 2017 through April 2018, plus accumulated late charges in the amount of \$208.62;

WHEREAS, the undersigned parties have entered into the within Stipulation to resolve the pending motion for relief from stay filed by Movant;

It is therefore Stipulated and agreed as follows:

1. The automatic stay is terminated as it affects the interests of the Movant with respect to the KUBOTA 4WD HST Tractor, Model L5740HST-3, Serial Number 73309; KUBOTA Front LDR, Model LA854, Serial Number B6708; LAND PRIDE Rotary Cutter, Model RCR1872, Serial Number 714577, provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 2-7, below.
2. On a go-forward basis, beginning with the payment that is due May 19, 2018 and continuing each month thereafter until the loan is paid in full, Debtor shall timely make full payments in the amount of \$695.30 to Movant, on or before the date upon which the respective payment is due.
3. The delinquent payments in the amount of \$695.30 for the months of May 2017 through April 2018, plus accumulated late charges in the amount of \$208.62, shall be placed to the end of the loan and paid without further penalty;
4. For the duration of this bankruptcy case, in the event that Debtor fails to make any payment due Movant, as described above, then the stay provided in Paragraph 1 shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to the KUBOTA 4WD HST Tractor, Model L5740HST-3, Serial Number 73309; KUBOTA Front LDR, Model LA854, Serial Number B6708; LAND PRIDE Rotary Cutter, Model RCR1872, Serial

Number 714577, upon the filing of an Affidavit of Default by Movant, without further hearing or without entry of an additional order, unless the Movant has received payment of the full amount of the delinquent payment(s) within twenty (20) days from the date of written notice of default provided to Debtor's undersigned counsel. Such Affidavit of Default shall contain a statement of default as supported by the Movant's own records.

5. Debtor shall maintain insurance on the Equipment and shall provide proof of insurance to Movant upon request. Failure to maintain insurance or to provide proof of insurance shall constitute a default under this Stipulation.

6. The conditions required pursuant to this Stipulation shall be incorporated in the Plan of Reorganization filed with the Court.

7. Relief from the automatic stay shall be effective immediately upon conversion of Debtor's case to a case under Chapter 7.

Consented to by:

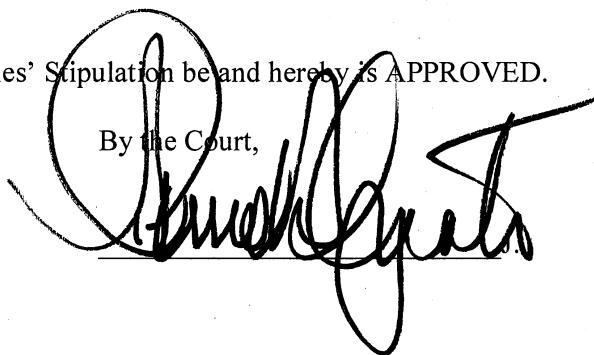
/s/ Guy Fustine, Esquire  
Guy Fustine, Esquire  
Attorney for Debtor  
120 West Tenth Street  
Erie, PA 16501-1461  
Phone: 814-459-2800  
gfustine@kmgslaw.com

/s/ James C. Warmbrodt, Esquire  
James C. Warmbrodt, Esquire  
KML Law Group, P.C.  
Attorney for Movant  
701 Market Street, Suite 5000  
Philadelphia, PA 19106  
Phone: 215-627-1322  
jwarmbrodt@kmllawgroup.com

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

Dated: May 14, 2018

By the Court,



In re:  
B.L. Gustafson, LLC  
Debtor

Case No. 17-10514-TPA  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-1

User: culy  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 17, 2018.

aty +Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501-1410

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 17, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 15, 2018 at the address(es) listed below:

Guy C. Fustine on behalf of Debtor B.L. Gustafson, LLC mwernick@kmgslaw.com,  
knoxbank@hotmail.com,burban@kmgslaw.com,mpol@kmgslaw.com  
James Warmbrodt on behalf of Creditor Kubota Credit Corporation bkgroup@kmllawgroup.com  
James P. Valecko on behalf of Creditor Ford Motor Credit Company LLC jvalecko@weltman.com,  
PitEcf@weltman.com  
Jill Lochnikar on behalf of Creditor United States of America Department of the Treasury,  
Internal Revenue Service jill.lochnikar@usdoj.gov,  
patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov  
John F. Kroto on behalf of Debtor B.L. Gustafson, LLC john\_kroto@pawb.uscourts.gov,  
knoxbank@hotmail.com,mwernicki@kmgslaw.com,burban@kmgslaw.com  
Michael S. Jan Janin on behalf of Creditor Hamlin Bank & Trust Company  
mjanjanin@quinnfirm.com,  
knuttingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmnquinnbankruptcy@gmail.com;m  
myers@quinnfirm.com  
Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee  
Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Robert C. Edmundson on behalf of Creditor Office of Attorney General Department of Revenue  
redmundson@attorneygeneral.gov  
Robert S. Bernstein on behalf of Creditor John Deere Construction & Forestry Company  
rbernstein@bernsteinlaw.com,  
pghecf@bernsteinlaw.com;cwrwick@bernsteinlaw.com;rbernstein@ecf.courtdrive.com;cwrwick@ecf.courtd  
rive.com

TOTAL: 10